

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

U.S.A. vs. Denise N. Starr-Matterese

Docket No. 7:99-M-154-1

Petition for Action on Probation

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Denise N. Starr-Matterese, who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating NCGS 20-138.1, Driving While Impaired, Level 2, was sentenced by the Honorable William Norton Mason, U.S. Magistrate Judge, on September 8, 1999, to a 12 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 7 days, and shall abide by all rules and regulations of the designated facility.
3. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
4. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until her privilege to do so is restored in accordance with law.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant was on probation supervision in the Eastern District of NC, but transferred to the Middle District of North Carolina for supervision. While there, she incurred 4 violations and a Probation Violation Warrant was issued on July 21, 2000. Her whereabouts remained unknown until she was recently located by the United States Marshal Service residing in Rocky Mount, NC, with her daughter and son in law. According to the Marshals, Ms. Star-Matterese recently had open heart surgery and is in very poor health, and would have difficulty being incarcerated. On March 16, 2011, U.S. Probation Officer Dewayne Smith visited the defendant at her residence, and she reportedly is suffering from COPD, Epilepsy, and PTSD, in addition to recovering from recent heart surgery. She takes numerous medications for all of her conditions and is currently receiving

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disability income. As such, it would be very difficult for her to return to court for revocation proceedings and to be incarcerated. In view thereof, it is our recommendation, the Motion and Warrant filed in this case be dismissed and vacated.

The Special Assistant U.S. Attorney's office has been contacted and has no objections to this plan of action.

PRAYING THAT THE COURT WILL ORDER:

1. The Motion for Revocation previously filed in the Eastern District of North Carolina against the defendant in Case No. 7:99M-154-1, is dismissed, and the Warrant vacated.
2. The probation period heretofore granted shall be terminated unsuccessfully.

Reviewed and approved,

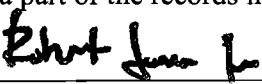
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
Phone: (910) 815-4857
Executed On: April 6, 2011

ORDER OF COURT

Considered and ordered this 11th day of April, 2011, and ordered filed and made a part of the records in the above case.


Robert B. Jones, Jr.
U.S. Magistrate Judge